

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

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STEPHANIE REYGADAS

Plaintiff,

Case No. 2:18-cv-02184-PKH

v.

DNF ASSOCIATES, LLC

Defendant.

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**DEFENDANT DNF ASSOCIATES, LLC'S ANSWER TO  
PLAINTIFF'S AMENDED COMPLAINT**

Defendant DNF Associates, LLC (“DNF”), by and through its undersigned counsel, and for its Answer to Plaintiff’s Amended Complaint, upon information and belief, states as follows:

1. Defendant denies each and every allegation in Paragraph 1.

**Jurisdiction**

2. The allegations in Paragraph 2 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 2.

3. The allegations in Paragraph 3 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 3.

4. The allegations in Paragraph 4 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 4.

5. Defendant denies each and every allegation in Paragraph 5.

**Parties**

***Stephanie Reygadas***

6. Defendant lacks knowledge or information sufficient to form a belief as to the allegations contained in Paragraph 6, and therefore denies same.

7. The allegations in Paragraph 7 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 7.

***DNF Associates LLC***

8. Defendant admits that it is a New York limited liability company with a principal place of business in the State of New York.

***DNF Assocs. is a debt collector***

9. Defendant denies each and every allegation in Paragraph 9.

10. The allegations in Paragraph 10 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 10.

11. Defendant denies each and every allegation in Paragraph 11.

12. Defendant denies each and every allegation in Paragraph 12.

13. Admitted.

14. Defendant denies each and every allegation in Paragraph 14.

15. Defendant denies each and every allegation in Paragraph 15.

16. Defendant denies each and every allegation in Paragraph 16.

17. Defendant denies each and every allegation in Paragraph 17.

18. Defendant denies each and every allegation in Paragraph 18.

19. Defendant denies each and every allegation in Paragraph 19.

20. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 20, and therefore denies same.

21. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 21, and therefore denies same.

22. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 22, and therefore denies same.

23. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 23, and therefore denies same.

24. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 24, and therefore denies same.

25. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 25, and therefore denies same.

26. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 26, and therefore denies same.

27. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 27, and therefore denies same.

28. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 28, and therefore denies same.

29. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 29, and therefore denies same.

30. Defendant denies each and every allegation in Paragraph 30.

31. Defendant denies each and every allegation in Paragraph 31.

32. Defendant denies each and every allegation in Paragraph 32.

33. Defendant denies each and every allegation in Paragraph 33.

34. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 34, and therefore denies same.

35. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 35, and therefore denies same.

36. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 36, and therefore denies same.

37. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 37, and therefore denies same.

38. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 38, and therefore denies same.

39. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 39, and therefore denies same.

40. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 40, and therefore denies same.

41. The allegations in Paragraph 41 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 41.

42. Defendant denies each and every allegation in Paragraph 42.

#### **Factual Allegations**

43. Defendant denies each and every allegation in Paragraph 43.

44. Defendant lacks knowledge or information sufficient to form a belief as to the

allegations in Paragraph 44, and therefore denies same.

45. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 45, and therefore denies same.

46. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 46, and therefore denies same.

47. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 47, and therefore denies same.

48. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 48, and therefore denies same..

49. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 49, and therefore denies same.

50. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 50, and therefore denies same.

51. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 51, and therefore denies same.

52. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 52, and therefore denies same.

53. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 53, and therefore denies same.

54. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 54, and therefore denies same.

55. The allegations in Paragraph 55 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in

Paragraph 55.

56. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 56, and therefore denies same.

57. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 57, and therefore denies same.

58. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 58, and therefore denies same.

59. Defendant denies each and every allegation in Paragraph 59.

60. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 60, and therefore denies same.

61. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 61, and therefore denies same.

62. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 62, and therefore denies same.

63. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 63, and therefore denies same.

64. Defendant lacks knowledge or information sufficient to form a belief as to the allegations in Paragraph 64, and therefore denies same.

### *Summary*

65. Defendant denies each and every allegation in Paragraph 65.

66. Defendant denies each and every allegation in Paragraph 66.

67. Defendant denies each and every allegation in Paragraph 67.

68. Defendant denies each and every allegation in Paragraph 68.

### **Standing**

69. Defendant denies each and every allegation in Paragraph 69.

70. Defendant denies each and every allegation in Paragraph 70.

71. The allegations in Paragraph 71 constitute conclusions of law, to which no response is required. To the extent a response is required, Defendant denies each and every allegation in Paragraph 71.

### **Causes of Action**

#### ***Count I – Violations of the FDCPA, 15 U.S.C. § 1692, et seq.***

72. With respect to Paragraph 72, Defendant repeats and realleges its answer to the allegations set forth in all of its responsive Paragraphs as if same were fully set forth at Paragraph 72.

73. Defendant denies each and every allegation in Paragraph 73.

74. Defendant denies each and every allegation in Paragraph 74.

#### ***Count II – Violations of the AFDCPA, Ark. Code Ann. § 17-24-501, et seq.***

75. With respect to Paragraph 75, Defendant repeats and realleges its answer to the allegations set forth in all of its responsive Paragraphs as if same were fully set forth at Paragraph 75.

76. Defendant denies each and every allegation in Paragraph 76.

77. Defendant denies each and every allegation in Paragraph 77.

### **FIRST AFFIRMATIVE DEFENSE**

78. The Amended Complaint fails to state a claim upon which relief can be granted against the answering Defendant.

**SECOND AFFIRMATIVE DEFENSE**

79. To the extent Defendant's actions violated the law, such actions were the result of a bona fide error notwithstanding reasonable procedures designed to avoid such error(s).

**THIRD AFFIRMATIVE DEFENSE**

80. The claims alleged in the Amended Complaint are barred by the statute of limitations.

**FOURTH AFFIRMATIVE DEFENSE**

81. Plaintiff failed to mitigate her damages.

**FIFTH AFFIRMATIVE DEFENSE**

82. Plaintiff's claims may be precluded, in whole or part, to the extent Plaintiff's damages, if any, were caused by Plaintiff's acts and/or omissions.

**SIXTH AFFIRMATIVE DEFENSE**

83. Plaintiff's claims may be precluded, in whole or part, to the extent Plaintiff's damages, if any, were caused by third parties over whom Defendant had no control or authority.

**SEVENTH AFFIRMATIVE DEFENSE**

84. Plaintiff's damages, if any, are speculative.

**EIGHTH AFFIRMATIVE DEFENSE**

85. To the extent Defendant's action violated the law, such actions were neither intention, nor willful.

**NINTH AFFIRMATIVE DEFENSE**

86. Plaintiff's claims are barred by release, waiver, unclean hands, laches, estoppel, and/or res judicata.



**TENTH AFFIRMATIVE DEFENSE**

87. Defendant does not meet the statutory definition of debt collector and is thus not within the purview of the Fair Debt Collection Practices Act or Arkansas Fair Debt Collection Practices Act.

**ELEVENTH AFFIRMATIVE DEFENSE**

88. Plaintiff lacks Article III standing to pursue the claims alleged in the Amended Complaint.

WHEREFORE, Defendant DNF Associates LLC respectfully demands judgment against the Plaintiff dismissing the Amended Complaint in its entirety together for such other, further or different relief, not inconsistent herewith, as may be just, equitable and proper, together with the costs and disbursements of this action.

DATED: January 9, 2019

**LIPPES MATHIAS WEXLER FRIEDMAN LLP**

s/ Brendan H. Little

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